Mysore

GOVERNMENT OF MADRAS. Secrt. II-28—50,006—12-6-53.

Revenue (1953) Department

Endorsement
~~B.O.~~
Memorandum
~~Lodged~~

No. 63157 R/53

Dated 29/7/53 1953

FURTHER PAPERS.

Department.	Number.	Series.	Date.

FOR MYSORE STATE

IN THE HIGH COURT OF JUDICATURE AT MADRAS.
Wednesday, the fifteenth day of July
One thousand nine hundred and fifty three
PRESENT:

The Hon'ble Mr. P.V. Rajamannar, Chief Justice
and
The Hon'ble Mr. Justice Venkatarama Ayyar.

CIVIL MISCELLANEOUS PETITIONS NOS. 8717 of 1950, 11730 and 12946 of 1950 and 22 of 1951.

C.M.P.NO.8717 of 1950

1. T.M. Abdul Kayum Sahib
2. K.T. Hussain Sahib. .. Petitioners

The State of Madras represented by the Secretary to the Government, Revenue Department, Madras. ... Respondent.

Petition praying that in the circumstances stated in the affidavit filed therewith the High Court will be pleased to issue a writ of certiorari calling for the records and to annul and quash the proceedings taken by the Respondent under the Madras ActXXX of 1947 and XXVI of 1948 with regard to the petitioners' village Akramesai in the Ramanathapuram district in G.O.Ms.No. 2169 Revenue dated 22-8-1949.

C.M.P.No.11730 of 1950

A .S.M.S. Mohammed Abubacker .. Petitioner.

-v-

The State of Madras represented by the Collector of Ramanathapuram .. Respondent.

Petition praying that in the circumstances stated in the affidavit filed therewith the High Court will be pleased to issue a writ of certiorari calling for the records and to annul and quash the proceedings taken by the Respondent under the Madras Acts XXX of 1947 and XXVI of 1948 pursuant to the notification in the Fort St. George Gazette Part I dated 23-8-1949 at paged 1378 to 1382 (G.O.Ms.No.2169 Rev. dated 22-8-1949) with regard to the petitioner's village Vaigai situate in Ramnad zamin taluk, Ramanathapuram.

C.M.P.No.12946 of 1950

K.T.M. Syed Mahommad Buhari Maracair .. Petitioner.

-v-

The State of Madras represented by the District Collector of Ramanathapuram at Mathurai. .. Respondent.

Petition praying that in the circumstances stated in the affidavit filed therewith the High Court will be pleased to issue a writ of certiorari calling for the records and to annul and quash the proceedings taken by the Respondent under the Madras Acts XXX of 1947 and XXVI of 1948 with regard to the petitioner's village Poonthandal situate in the Sikkal zamin taluk of the Ramanathapuram Estate notified in G.O.Ms.No.2169 Revenue dated 22-8-1949 published as item No.249 under head 'Sikkal zamin Taluk - Ramnad Estate' in Notification No.2227 in the Fort St.George Gazettee Part 1 dated 23-8-1949 at page 1379.

C.M.P.No.22 of 1951.

O.A .R.M. Arunachalam chettiar

P.T.O

C.M.P.No.22 of 1951

O.A.PR. A. Arunachalam Chettiar
Trustee, Sri Viswanathaswami Temple
at Mithravayal, Ramanathapuram
district. .. PETITIONER.

-v-

The State of Madras represented by the
Collector of Ramanathapuram at Mathuram. .. RESPONDENT.

Petition praying that in the circumstances stated in the affidavit filed therewith the High Court will be pleased to issue a Writ of certiorari calling for the records and annul and quash the proceedings taken by the Respondent under Madras Acts XXX of 1947 and XXVI of 1948 with regard to the Petitioner's village of Kilkudi situate in the Kannangudi zamin Taluk of the Ramnathapuram district notified in G.O. No.2169 Revenue dates 22-8-1949 published in Fort St. George Gazette Part I dated 23-8-1949 at page 1378 as Notification No.2227 in item No.29 under the head Ramnad Estate Kannangudi zamin Taluk.

ORDER: These petitions coming on for hearing upon perusing the petitions and the affidavits filed in support thereof, and the orders of the High Court dated 20-9-1950, 28-11-1950, 14-12-1950 and 3-1-1951 and made in C.M.P.Nos. 8717, 11730 and 12946 of 1950 and 22 of 1951 respectively, and the records in the case and upon hearing the arguments of Mr. R.Kesava Iyengar and Mr.K.Parasaran advocates for the Petitioners in Petitions No.8717 of 1950, 11730 of 1950 and 22 of 1951 and of Mr.K.Parasaran advocate for the petitioner in C.M.P.No.12946 of 1950 and of the Advocate General for the Government Pleader on behalf of the Respondent in all the Petitions the Court made the following

ORDER :- (Judgment of Court delivered by the Hon'ble the Chief Justice)

In these petitions the petitioners feel aggrieved by notifications under both the Madras Estates (Abolition and Conversion into Ryotwari) Act XXVI of 1948 and the Madras Estates Land (Reduction of Rent) Act XXX of 1947 and seek to have them quashed. In accordance with the practive which we have been following in the similar cases we dismiss the applications giving liberty to the petitioners to institute suits for appropriate reliefs in respect of the notifications under both the Acts. On behalf of the Government the learned Advocate-General undertakes that no objection under section 80 of the Code of Civil Procedure will be taken in the suits

We must however add that in so far as the petitioners seek to obtain a ryotwari patta for the lands covered by the cowles in their favour, in case the notifications under the Madras Estates (Abolition and Conversion into Ryotwar) Act are confirmed, that is a matter within the special jurisdiction of the Settlement Officer under section 12 of the Act, and the petitioners may have to take necessary steps under that section.

In these petitions the petitioners attack the validity of the notifications under Madras Act XXVI of 1948 on the ground that on the taking over of the concerned tenures the compensation which may be found payable to them would be nil and therefore the notifications were illegal as being in the nature of expropriation. A similar contention was raised before us and rejected in Veerappa Chettiar -v- The State of Madras(1). The petitioners are concluded by that decision before us. We understand that that decision has been taken up on appeal to the Supreme Court. If the Supreme Court were to take a different view, the petitioners will be at liberty to renew their application on that ground.

The Petitions are dismissed; no costs.

Sd. B. Somanatha Rao,
Asst. Registrar Appellate Side.

(true copy)

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GOVERNMENT OF MADRAS.
Revenue Department.

Endorsement No.63157 R/53 dated 29th July, 1953.

Communicated to the Board of Revenue.

P.Krishnaiya Naidu,
Assistant Secretary to Govt.

To
The Board of Revenue(SB)
Copy to for the Andhra Government.
Copy for the Mysore Government.

Forwarded /By Order

31/7

Superintendent.

31/7